

REMARKS

In the most recent office action dated 04/13/2004, claims 1-14 were examined. The applicants note with appreciation the indication that claims 3, 4, and 8-14 would be allowable if rewritten in independent form including all of the elements of the base claim and any intervening claims.

By way of the outstanding office action, claims 1, 2, and 5-7 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Kubota et al., French Patent No. 2,670,191. In response, claim 1 has been amended, claims 2 and 3 have been canceled, and claims 15-22 have been added. Accordingly, all pending claims are now in condition for allowance.

Claim 1 is Allowable.

Claim 1 stands rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Kubota, et al., French Patent No. 2,670,191 ("Kubota").

Claim 1 has been amended to include the subject matter of claims 2 and 3. Accordingly, because this subject matter has been indicated to be allowable, claim 1 is now in allowable format. Claims 4-14, which depend from claim 1, are also in allowable format.

New claims 15-22 are Allowable.

Claim 15 recites, *inter alia*, that the deflecting member is movable back and forth in the first direction along a linear path parallel to said given portion. Support for claim 15 can be found in claims 1 and 7 and also on page 7, lines 7-8 and 20-21 of the specification.

The office action rejects claim 7 over Kubota, asserting, "at some point in it's [sic] rotation the deflection member moves along a first direction." Kubota discloses a transfer device 3 that only moves in rotation (see Figs. 1 and 2). In particular Kubota discloses a transfer device 3 having a rotating portion 3a (*section tournante 3a*) which is connected to a shaft 11 so as to be rotated by shaft 11 and is supported by a stationary portion 3b (*section stationare 3b*). Owing to the above, it is clear that rotating portion 3a together with shaft 11 can only rotate and it cannot move along a linear path. Thus, the deflecting member of Kubota moves in a *circular path*, and not a linear path. Accordingly, Kubota does

not disclose a transfer device movable back and forth along a linear path, and claim 15 is not anticipated by Kubota. Further, claim 15 is not obvious over Kubota. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art" MPEP § 2143.03. As said above, Kubota does not teach or suggest a transfer device movable back and forth along a linear path. Because it does not teach or suggest this feature, a case of *prima facie* obviousness has not been made with respect to this claim. Accordingly, claim 15 is allowable over the cited references. Claims 16-22 correspond to original claims 8-14 and depend from claim 15. Therefore, dependent claims 16-22 are also allowable.

New claim 23 is Allowable.

Claim 23 includes the subject matter of claims 1, 7 and 8. Accordingly, because this subject matter has been indicated to be allowable, claim 23 is allowable.

New claim 24 is Allowable.

Claim 24 recites, *inter alia*, that the deflecting member is movable back and forth in the first direction along a linear path parallel to said given portion. Support for claim 24 can be found in claims 1, 2 and 7 and also on page 7, lines 7-8 and 20-21 of the specification. As discussed earlier, none of the cited references disclose any transfer device movable back and forth along a linear path. Accordingly, claim 24 is allowable over the art of record.

CONCLUSION

In view of the foregoing remarks, it is submitted that the claims as now appearing in this application are in good and proper form for allowance. A favorable action on the part of the examiner is respectfully solicited. If, in the opinion of the examiner a telephone conference would expedite prosecution of the subject application, the examiner is invited to call the undersigned attorney.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper

hereafter filed in this application by this firm) to our Deposit Account No. 13-2855, under Order No. 20022/39563/US.

Dated: July 7, 2004

Respectfully submitted,



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